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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF ARIZONA

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Barbara Borchers and Jerald S. Chesler, as
Trustee of the Betty D. Olson Revocable
Trust and The Olson Living Trust,

Plaintiffs,

v.

The Vanguard Group, Inc. and Vanguard
Marketing Corporation,

Defendants.

No. CV08-02138-PHX-ROS

**PLAINTIFFS' RESPONSE TO
DEFENDANTS' STATEMENT
OF UNDISPUTED FACTS.**

Plaintiffs, BARBARA BORCHERS and JERALD S. CHESLER, as Trustee of
the Betty D. Olson Revocable Trust and The Olson Living Trust, submit this Response
to the Statement of Undisputed Facts Filed in Support of the Motion for Summary
Judgment filed by Defendants, THE VANGUARD GROUP, INC. and VANGUARD
MARKETING CORPORATION (hereinafter “Vanguard”):

1-9. Admit.

10. Denied. See Pltf. SSOF, ¶¶ 2-5, 55-56, 62-63.

11. Disputed because of Pltf. SSOF, ¶¶ 47-49.

1 Dated: December 16, 2010
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4 By:/s/ Philip J. Nathanson

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and Jerald S. Chesler, as Trustee of the Betty
D. Olson Revocable Trust and The Olson
Living Trust*

CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2010, I electronically transmitted the foregoing Response, to the opposing counsel set forth below, using the CM/ECF System for filing and transmittal:

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